

REMARKS

**I. Status of the Claims**

Claims 28-51 are pending in the application. No claims were allowed; all claims stand rejected. No amendments are being submitted in this Response. Accordingly, Claims 28-51 are pending in the application.

**II. Priority**

As requested by the Examiner, Applicant will submit the requested certified copy of the priority document under separate cover in accordance with 35 U.S.C. § 119(b). Because the certified copy must be sent via postal mail, it is not contained in this Response, which is being submitted electronically.

**III. Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 28, 29, 33-39, 43-45, 48, 50, and 51 were rejected under 35 U.S.C. 102(b) as being anticipated by Endo (5010440). Specifically, the Examiner stated:

The reference to Endo discloses the recited tube comprising an elongated web of heat sealable plastic material through a former into a host pipe 10 with longitudinal edges of the web overlapping as seen in figure 2a-d by a second amount less than the first amount when the tube is expanded, a heat sealing means 6 is provided at the seam near the overlapping edges to allow tube to be expanded and then sealed, where the heat sealing means is a wire strip, the wire strip is mounted to a plastic strip 7 which bonds the wires to the web, the strip is attached at each overlapping edge, the strip runs along the length of the overlapping edges, the sealing means is applied in factory conditions or on site where such is method limitations that have little patentable weight to the final article, and the method of lining a pipe is also disclosed, where control of the power to the wires is considered inherent.

Applicant respectfully disagrees. Independent claims 28 and 38 require that the tube initially has longitudinal edges which overlap by a first predetermined amount and, following expansion of the tube up to the diameter of the host pipe, the overlapping edges of the tube overlap by a second predetermined amount which is less than the first predetermined amount. However, in Endo the overlapping edges of the layer of material 5 are both sewn to a layer of material 8 and therefore the amount of overlap of the longitudinal edges will not change as the tube is expanded.

In addition, claims 28 and 38 require that the overlapping edges are heat sealed together by a heat sealing means. However, in Endo the overlapping edges are not heat sealed together but are each sewn to a layer of material 8, as discussed. In Endo, an electric current is passed through the layer of material 5 in order to heat the layer of material so that it hardens by virtue of a thermosetting resin impregnated in the material. However, the electric current is not used to heat seal the overlapping edges together.

Furthermore, claims 28 and 38 require a sealing means arranged in relation to the overlapped edges to prevent ingress of foreign matter between the edges and the tube interior, the sealing means being adapted to allow the tube to be expanded up to the diameter of a host pipe. The pipe liner in Endo does not have this feature.

In light of the above, claims 28 and 38 are novel over Endo because Endo does not include all of the features of the claim. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

#### **IV. Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 30-32, 40-42, 46, 47, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Endo. Specifically, the Examiner stated:

The reference to Endo discloses all of the recited structure with the exception of using a hot iron, laser, or infrared heater to provide the heat sealing, sequencing the power to the wire, and abrading the surface of the web material prior to bonding the strip thereto, however, such are considered merely choices of mechanical expedients where one skilled in the art would only require routine experimentation to arrive at the optimum method of heat sealing, including sequencing power to the wire to prevent over heating as such would only require routine skill in the art to avoid damaging the web material thereby insuring a proper installation and saving money in premature repair costs. It is considered old and well known in the art to abrade materials before attempting to adhere materials thereto to improve the bond and it would have been obvious to one skilled in the art to abrade the surface to which the strip is to be adhered to insure proper bonding and save money in premature failure of the sleeve due to the wires coming away from the web before it was sealed.

Applicant submits that in light of the arguments submitted above regarding claims 28 and 38, the present rejection can no longer stand. Accordingly, Applicant requests that the rejection be withdrawn and the claims allowed. However, Applicant also submits the following additional arguments for the Examiner's consideration:

The invention, as defined by claims 28 and 38, is concerned with the prevention of ingress of foreign matter between edges of the tube and the tube interior.

In contrast, Endo is directed to the problem of providing a pipe liner which is adapted to harden promptly and uniformly without a use of an external heating medium, such as water or air, so that only a small amount of energy is required for the hardening of the liner, and the liner is safe from cracking.

Endo does not teach or suggest the problem addressed by the invention, nor its solution. In light of this, claims 28 and 38 are not obvious over Endo. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

## **V. Conclusion**

In view of the foregoing, the Applicant respectfully solicits reconsideration of the pending claims.

The USPTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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## **Certificate of Electronic Transmission**

I hereby certify that this correspondence is being transmitted by electronic submission via EFS Web to the United States Patent and Trademark Office on May 20, 2009.

/Joshua A. Stockwell/  
Joshua A. Stockwell, Esq.